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17 September 1980

## MEMORANDUM FOR THE RECORD

Staff Meeting Minutes of 17 September 1980

Mr. Carlucci chaired the meeting. [ ]

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Lehman explained a short delay in preparation of an Alert Memorandum on Iran/Iraq; he said an Alert Memorandum on Poland is likely to follow. In response to Mr. Carlucci's query, Lehman and Clarke explained justification for each memo: the size and activity of Iraqi forces, e.g., 1300 tanks in the border area, must be taken seriously along with the potential for rapid escalation in an outbreak of hostilities. Clarke noted re Poland the Soviet large military "envelope" and similarities to the Soviet experience in Czechoslovakia. And, Kerr added the Soviet Government has made it clear it does not recognize as binding recent agreements between the Polish government and the strikers. [ ]

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[ ] reported briefly on the following:

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[ ]

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--Kabul: A tense situation surrounds our Embassy re Soviet demands for the return of a Soviet army enlisted man who defected. The Soviets claim the defector is a criminal; reportedly, the subject has admitted to having drawn his weapon on his Soviet commanding officer. [ ] said the Afghanistan military is halting traffic in and out of the Embassy. She said also State Department's instructions to Embassy Kabul have not yet been forwarded.

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--PFLP terrorist leader George Habbash has undergone surgery for a brain tumor at the American University Hospital in Beirut and is not expected to recover.

--Manila: Bombings in Manila are being blamed on CIA with President Marcos lending support to this blame.

[ ]

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[ ] said the New York Times has reported yesterday's House/Senate negotiations on intelligence oversight (see attached). [ ]

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Hitz provided a brief update on yesterday's House/Senate negotiations re oversight. [ ]

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[ ]

Hitz described current activities on the Hill re Identities Legislation. He cited various leverages at work between the House and Senate, the Judiciary Committee situation, and implications of calendar slippage. He called attention to the open rule decision which could prompt endless amendments to surface during floor debate. He assessed the current situation as "very iffy" and noted he is keeping his distance from Hill activity to avoid being dragged into situations where he does not belong. He advised, however, that his office is monitoring all activity. Relatedly in response to Mr. Carlucci's query, Hitz, Silver and [ ] advised against a suggestion to enlist the aid of Senator Chaffee, et al., toward correcting error and misunderstandings conveyed in press reporting re this legislation. Mr. Carlucci observed that Vice President Mondale will be speaking next week to representatives of the Kansas City Star; the topic will be the First Amendment. [ ]

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Mr. Carlucci noted to [ ] that according to their last report, good progress is being made with State [ ]. A brief discussion followed on implications of a bill passed by Congress yesterday improving benefits for State personnel overseas. Silver said his office is reviewing this bill in the context of CIARDS. [ ] noted that [ ] is creating a potentially negative effect on grade advancement/ position titles in the field; [ ] said this matter is under review and results should be available this week. [ ]

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[ ] said RMS is preparing a paper re Defense Reconnaissance Support Program for the Director's use at his meeting with Secretary Brown tomorrow. [ ]

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Mr. Carlucci extended best wishes to [ ] who has been reassigned to RMS. [ ]

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Attachment

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HOUSE, SENATE, WHITE HOUSE AGREE ON INTELLIGENCE OVERSIGHT PROVISIONS

BY JUDITH MILLER

7c. 1980 N.Y. Times News Service

WASHINGTON - SENATE AND HOUSE NEGOTIATORS HAVE APPARENTLY REACHED AGREEMENT WITH THE WHITE HOUSE ON LEGISLATION THAT WOULD DEFINE AND RESTRICT CONGRESSIONAL OVERSIGHT OF THE NATION'S INTELLIGENCE AGENCIES, CONGRESSIONAL AIDES SAID TUESDAY.

THE AGREEMENT, HAMMERED OUT AFTER WEEKS OF INTENSE DISCUSSIONS, WILL ENABLE TWO IMPORTANT BILLS THAT AUTHORIZE FUNDS FOR AMERICAN FOREIGN AID PROGRAMS AND FISCAL 1981 INTELLIGENCE OPERATIONS TO BE TAKEN UP LATER THIS WEEK IN HOUSE-SENATE CONFERENCES. BOTH CONFERENCES HAD BEEN DELAYED BY THE IMPASSE OVER THE CONTROVERSIAL INTELLIGENCE PROVISIONS.

ACCORDING TO CONGRESSIONAL AIDES CLOSE TO THE NEGOTIATIONS, AT ISSUE WAS TO WHAT EXTENT THE PRESIDENT WOULD BE REQUIRED TO RESPOND TO QUESTIONS POSED AND INFORMATION REQUESTED BY THE HOUSE AND SENATE COMMITTEES THAT MONITOR INTELLIGENCE ACTIVITIES.

THE WHITE HOUSE HAD BEEN RESISTING LANGUAGE IN SENATE AND HOUSE VERSIONS OF THE BILLS AUTHORIZING FUNDS FOR INTELLIGENCE ACTIVITIES THAT APPEARED TO REQUIRE THE PRESIDENT TO RESPOND TO ANY AND ALL INQUIRIES FROM THE TWO INTELLIGENCE COMMITTEES. BOTH THE HOUSE AND SENATE VERSIONS OF THE BILLS ADDRESSED THIS ISSUE, BUT THE HOUSE BILL WAS MORE RESTRICTIVE AS TO WHICH REQUESTS FOR INFORMATION THE PRESIDENT COULD IGNORE.

UNDER THE AGREEMENT TENTATIVELY REACHED LATE TUESDAY, KEY MEMBERS OF THE INTELLIGENCE COMMITTEES AND THE WHITE HOUSE HAVE AGREED TO AN AMENDMENT THAT PAPERS OVER DIFFERENCES ABOUT WHETHER THE PRESIDENT IS OBLIGED UNDER ALL CIRCUMSTANCES TO ANSWER ALL INQUIRIES FROM THE INTELLIGENCE PANELS. THE AMENDMENT IS TO BE OFFERED TO THE SENATE VERSION OF LEGISLATION AUTHORIZING FUNDS FOR INTELLIGENCE OPERATIONS.

THE COMPROMISE AMENDMENT CONTAINS LANGUAGE THAT MAKES IT CLEAR THAT NOTHING IN THE LEGISLATION SHOULD BE CONSTRUED AS AUTHORITY TO "WITHHOLD INFORMATION FROM THE SELECT COMMITTEES ON THE GROUNDS THAT PROVIDING THE INFORMATION ... WOULD CONSTITUTE THE UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION OR INFORMATION RELATING TO INTELLIGENCE SOURCES AND METHODS." THIS LANGUAGE APPEARS TO REINFORCE THE AUTHORITY OF THE CONGRESSIONAL INTELLIGENCE PANELS TO REQUEST AND OBTAIN INFORMATION FROM THE INTELLIGENCE SERVICES.

HOWEVER, THE AUTHORIZING BILL STILL CONTAINS LANGUAGE THAT ACKNOWLEDGES THE RESPONSIBILITY OF THE PRESIDENT TO PROTECT CLASSIFIED INFORMATION FROM UNAUTHORIZED DISCLOSURE AND INTELLIGENCE SOURCES AND METHODS USED TO COLLECT THAT INFORMATION.

"THIS IS A FIG LEAF COMPROMISE," SAID ONE CONGRESSIONAL AIDE:  
"BUT WE HOPE IT WILL ENABLE THE COMMITTEES TO UNSNARL THE MYRIAD OF  
LEGISLATIVE PROPOSALS ON THIS ISSUE UP HERE ON CAPITOL HILL."  
THE OTHER DISPUTE THAT HAS APPARENTLY BEEN RESOLVED INVOLVES WHETHER  
THE PRESIDENT MUST PROVIDE THE INTELLIGENCE PANELS WITH PRIOR  
NOTIFICATION OF COVERT ACTIONS. ALL VERSIONS OF THE LEGISLATION WOULD  
REDUCE THE NUMBER OF CONGRESSIONAL COMMITTEES THAT MUST BE INFORMED  
OF SUCH ACTIVITIES FROM EIGHT TO THE TWO INTELLIGENCE PANELS. THE  
BILLS ALSO CONCUR THAT, IN PRINCIPLE, THE COMMITTEES MUST BE GIVEN  
ADVANCE NOTICE OF ANY COVERT ACTION. HOWEVER, THERE WERE SHARP  
DIVISIONS AMONG CONGRESSIONAL COMMITTEES AND THE ADMINISTRATION AS TO  
WHETHER THERE SHOULD BE EXCEPTIONS TO THIS PRINCIPLE, AND OVER THE  
NATURE OF THOSE EXCEPTIONS.

THE COMPROMISE PACKAGE WOULD ACCEPT LANGUAGE CURRENTLY CONTAINED IN  
THE SENATE VERSION OF THE INTELLIGENCE LEGISLATION. THIS LANGUAGE  
WOULD ENABLE THE PRESIDENT, UNDER SOME CIRCUMSTANCES, TO BRIEF A  
TOTAL OF EIGHT KEY MEMBERS OF THE HOUSE AND SENATE. IN ADDITION, IT  
WOULD PERMIT THE PRESIDENT, UNDER VERY LIMITED CIRCUMSTANCES, TO  
BYPASS THE PRIOR NOTICE REQUIREMENT AND INFORM THE COMMITTEES AFTER A  
COVERT ACTION HAD BEEN LAUNCHED.

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